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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J." PUGLISI;
DAN YADON; KELLY FRANK; PAT
LYNCH; MIKE PARRINELLO; AARON
KENDRICK; DARIN RYBURN; AND
DOES 1 THROUGH 100, INCLUSIVE.

Defendants.

CASE NO: BC 414602

[Assigned to Hon. Joanne O'Donnell,
Dept. 37]

**DEFENDANT'S REPLY IN
SUPPORT OF MOTION *IN LIMINE*
NO. 9 TO EXCLUDE ANY
REFERENCE TO USE OF THE
TERM "NO HUMANS INVOLVED"
BY BURBANK POLICE OFFICERS**

Trial Date: June 8, 2011 (Pltf. Karagiosian)
Discovery Referee: The Hon., Diane Wayne, Ret.

Action filed: May 28, 2009

Plaintiff's cites in his Opposition to his own deposition testimony that another officer
referred to a murder suspect/witness, *whom Plaintiff himself suspected of possible*

1 *involvement in criminal activity*, with the term "No Humans Involved". (Opp. at 3:13-16.)
2 The suspect/witness spoke Armenian. The deposition testimony does not indicate that even
3 there was any reason to believe, or even that he did believe, at the time that use of the phrase
4 was based on the Armenian ethnicity of the suspect/witness. Yet now he wishes to speculate
5 in front of the jury that this was the case. *Clearly, Plaintiff intends to drop this innuendo*
6 *in front of the jury in order to inflame their passions and prejudice them against Burbank*
7 and, just as clearly, no limiting instruction would undo the damage of suggesting that a
8 Burbank police officer referred to a woman who had just been murdered as a sub-human
9 because she (presumably) was Armenian. Nor would the testimony of officers that the term
10 "NHI" referred to criminality and uncooperative behavior rather than referencing ethnicity
11 be sufficient to "unring the bell". There is no colorable argument that this would not be
12 extremely prejudicial, and would be used for the sole purposes of prejudicing the jury by
13 making this innuendo before the Court has a chance to rule the evidence inadmissible.

14 Such evidence is obviously subject to exclusion pursuant to Evidence Code § 352.

15
16 DATED: June 6, 2011

BALLARD ROSENBERG GOLPER & SAVITT, LLP

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18 By: 

PHILIP L. REZNIK

19 Attorneys for Defendant
20 CITY OF BURBANK, including the Police Department
21 of the City of Burbank
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PROOF OF SERVICE

I am a citizen of the United States, and am employed in the County of Los Angeles in the office of a member of the bar of this Court at whose directions this service was made. I am over the age of 18, and not a party to the within action. My business address is Ballard, Rosenberg, Golper & Savitt, 500 North Brand Boulevard, Twentieth Floor, Glendale, California 91203-9946.

On June 6, 2011, I served the foregoing document described as: **DEFENDANT'S REPLY IN SUPPORT OF MOTION *IN LIMINE* NO. 9 TO EXCLUDE ANY REFERENCE TO USE OF THE TERM "NO HUMANS INVOLVED" BY BURBANK POLICE OFFICERS** on the interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

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VIA FACSIMILE; and

☒ **(BY FEDEX)** I am "readily familiar" with the firm's practice of collection and processing correspondence for delivery by Federal Express. Under that practice, in the ordinary course of business, it would be deposited with Federal Express on that same day with directions for next day delivery, with the Federal Express fees guaranteed to be paid by Ballard, Rosenberg, Golper & Savitt, LLP.

☒ **(BY ELECTRONIC MAIL)** I sent the above-mentioned documents via electronic mail addressed as set forth above.

☐ **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the above-addressee(s).

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on June 6, 2011 at Glendale, California.


Leslie Reheis